

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

<b>Tellagemini Communication LLC,</b>  Plaintiff,  v.  <b>Zedge, Inc.,</b>  Defendant.	Case No. _____  Patent Case  Jury Trial Demanded
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**COMPLAINT FOR PATENT INFRINGEMENT**

Plaintiff Tellagemini Communication LLC (“Tellagemini”), through its attorney, Isaac Rabicoff, complains of Zedge, Inc., (“Zedge”), and alleges the following:

**PARTIES**

1. Plaintiff Tellagemini Communication LLC is a corporation organized and existing under the laws of Washington and maintains its principal place of business at 3135 E. 11th Avenue, Spokane, WA 99202.

2. Defendant Zedge, Inc. is a corporation organized and existing under the laws of Delaware that maintains its principal place of business at 22 Cortlandt Street, 14th Floor, New York, NY 10007.

**JURISDICTION**

3. This is an action for patent infringement arising under the patent laws of the United States, Title 35 of the United States Code.

4. This Court has exclusive subject matter jurisdiction under 28 U.S.C. §§ 1331 and 1338(a).

5. This Court has personal jurisdiction over Zedge because it has engaged in systematic and continuous business activities in the District of Delaware. Specifically, Zedge resides in this District as it is incorporated in Delaware and provides its full range of products to residents in this District. As described below, Zedge has committed acts of patent infringement giving rise to this action within this District.

#### **VENUE**

6. Venue is proper in this District under 28 U.S.C. § 1400(b) because Zedge has committed acts of patent infringement in this District and is incorporated in the state of Delaware. In addition, Tellagemini has suffered harm in this district.

#### **THE PATENT-IN-SUIT**

7. Tellagemini is the assignee of all right, title and interest in United States Patent No. 7,415,107 (the “’107 Patent,” or “Patent-in-Suit”), including all rights to enforce and prosecute actions for infringement and to collect damages for all relevant times against infringers of the ’107 Patent. Accordingly, Tellagemini possesses the exclusive right and standing to prosecute the present action for infringement of the Patent-in-Suit by Zedge.

#### **The ’107 Patent**

8. On August 19, 2008, the United States Patent and Trademark Office issued the ’107 Patent. The ’107 Patent is titled “Telephone Call Information Delivery System.” The application leading to the ’107 Patent was filed on January 23, 2006, which was a continuation of application number 10/185,626, which was filed on July 1, 2002. A true and correct copy of the ’107 Patent is attached hereto as Exhibit A and incorporated herein by reference.

9. The ’107 Patent is valid and enforceable.

10. The inventors recognized that there was a need for improving cluster key arrangements for mobile devices such as cell-phones. Ex. A, 1:5–67.

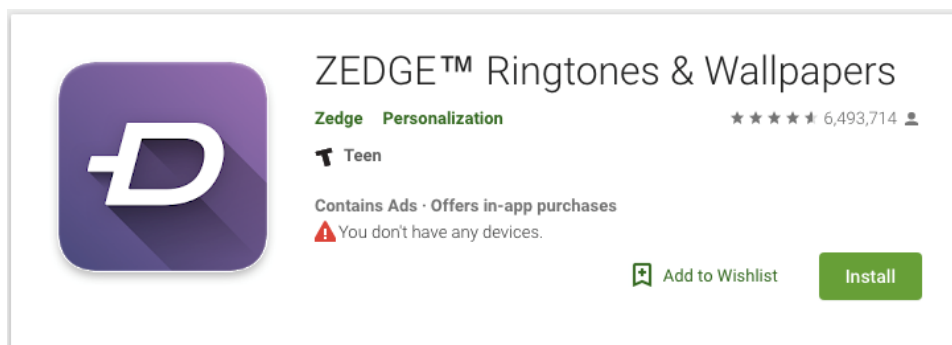
11. The invention in the '107 Patent provides a greatly improved means to deliver information about the caller to the user relative to answering machines. Ex. A, 3:65-67.

12. To this end, the inventors recognized the need for not only hearing the actual caller's voice, but also allow the user to own the system and avoid payment of monthly fees to telephone service providers. *Id.* at 3:9-14.

#### COUNT I: INFRINGEMENT OF THE '107 PATENT

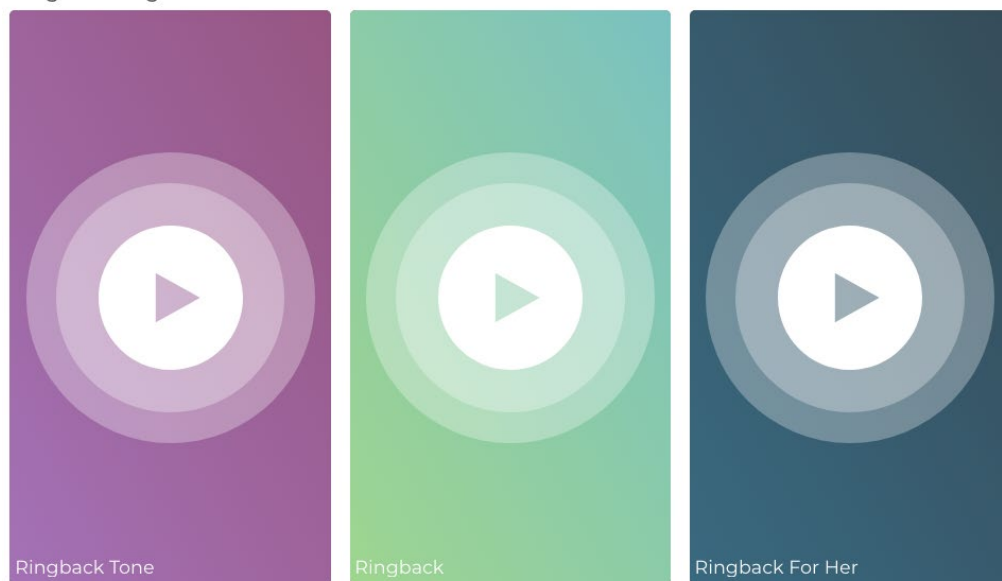
13. Tellagemini incorporates the above paragraphs herein by reference.

14. **Direct Infringement.** Zedge has been and continues to directly infringe at least claim 7 of the '107 Patent in this District and elsewhere in the United States by performing the steps found in the preamble of claim 7: “[a] method for alerting a caller and a user as to the presence of an incoming telephone call.” For example, Zedge's app has ringbacks and ringtones alerting the user to a call:



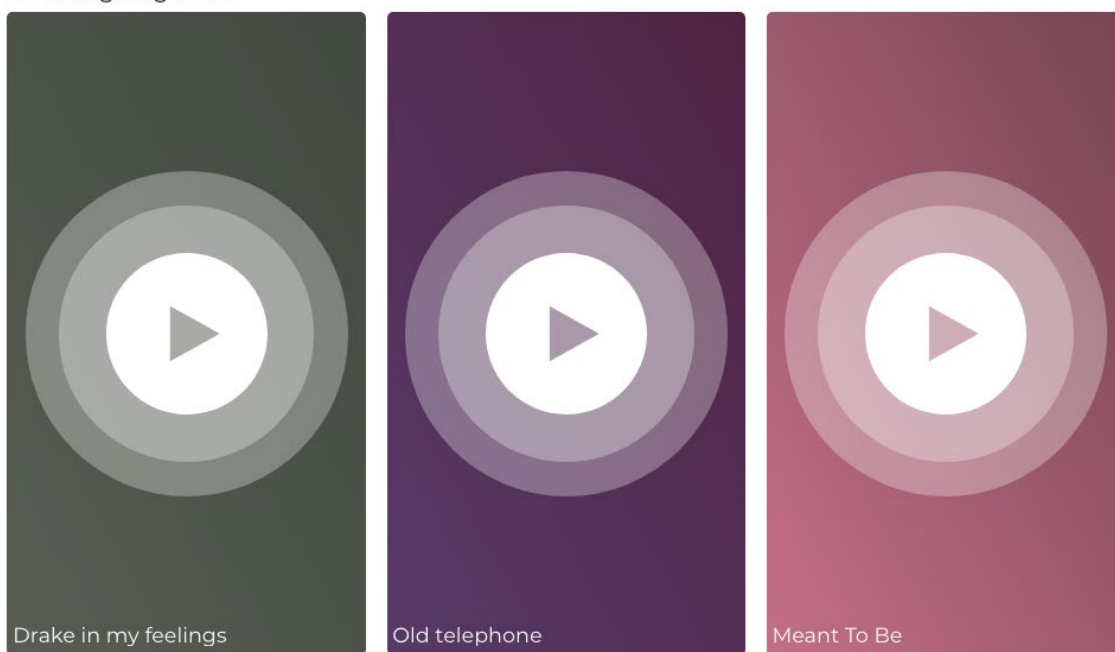
Available at: <https://play.google.com/store/apps/details?id=net.zedge.android&hl=en>;  
<https://www.zedge.net/ringtones>; webpage attached hereto as Exhibit B.

Ringback ringtones



Available at: <https://www.zedge.net/find/ringtones/ringback>; webpage attached hereto as Exhibit C.

Trending ringtones



Available at: <https://www.zedge.net/ringtones>; webpage attached hereto as Exhibit D.

15. Zedge's app performs the steps of claim 7(a): "enabling one or more sounds to be chosen using a sound selector." For example, Zedge's app offers millions of ringtones and notifications that can be selected to notify users of incoming calls:

ZEDGE™ offers millions of free ringtones, notifications, HD wallpapers and icons to make your device one-of-a-kind. With ZEDGE™, your phone is the ultimate conversation starter, transforming each call, text, and moment of screen time into an entertaining experience.

ZEDGE™ is the most trusted app in phone personalization with free wallpapers, ringtones, app icons, alarms and notification sounds to easily customize your phone, tablet or other mobile device. Join the over 200 million people worldwide who rely on ZEDGE™.

NEW Features include:

- Side-swipe while you preview to see related wallpapers or ringtones and browse seamlessly.
- Improved search capability helps you find the ringtones and wallpapers you're looking for.
- Discover page features stylish ringtones and wallpapers picked just for you.
- Save favorites as you scroll ringtones and backgrounds, then view them all in the same place.
- Redesigned upload tool makes adding new sounds and images to the app quick and effortless.
- Browse premium content to choose an HD wallpaper or ringtone from talented artists.

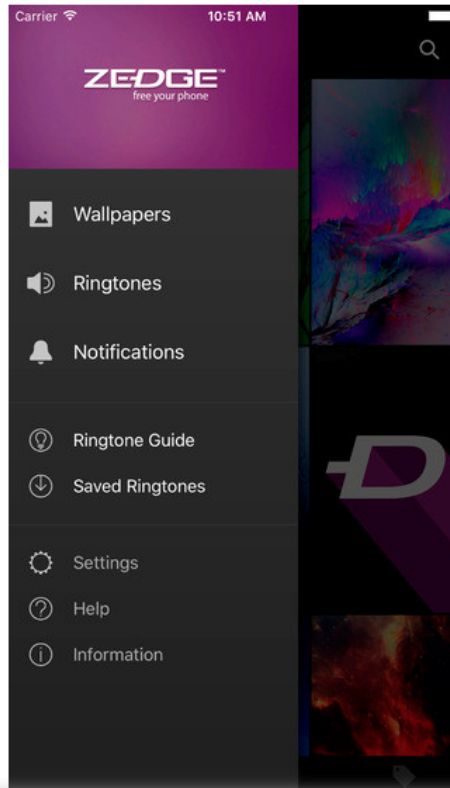
Available at: <https://play.google.com/store/apps/details?id=net.zedge.android&hl=en>; webpage attached hereto as Exhibit E.

16. Zedge's app performs the steps of claim 7(b): "storing the sound chosen." For example, Zedge's app allows users to directly download ringtones to their phones:

## #2. App Download Zedge Ringtones to iPhone

You can also download ringtones to your iPhone directly using Zedge Ringtones for iPhone. Here are the steps to follow:

1. Download and install the Zedge app for iOS on your iPhone. And open the app and click on the Hamburger menu and go to Repositories.
2. From the free large selection of available ringtones, choose the one you want, click on it, and download it by clicking the download button on the bottom left. The ringtone will be saved automatically.
3. On your iPhone, launch the Setting app and click "Sounds > Ringtone" under sound and vibration patterns menu.
4. Search for the new ringtone and select it.



Available at: <https://www.imyfone.com/phone-data-transfer/how-to-download-zedge-ringtones-to-iphone/>; webpage attached hereto as Exhibit F.

17. Zedge's app performs the steps of claim 7(c): "providing a signal using a sound selector to deliver one of the one or more sounds to alert a user as to the presence of an incoming call prior to any input response to the incoming call by the user." For example, Zedge's app allows for customization of ringtones, notifications and wallpapers to notify users of incoming calls. *See* Ex. E.

18. Zedge's app performs the steps of claim 7(d): "providing a signal using a backfeed, essentially simultaneous to the alerting and essentially throughout the alerting, to deliver one of the one or more sounds to a caller to indicate that the user is being alerted, wherein enabling one or more sounds to be chosen further comprises at least one of: 1) enabling the user to choose at least one of the one or more sounds, or 2) enabling a sound to be selected to replace a sound chosen." For example, Zedge's app allows users to switch between several ringback tones, which can be replaced. *See* Ex. C:

Normally, when you call just about any number, you hear the standard ringing sound until the person on the other end picks up the phone. When you look into free ringback ringtones, incoming calls to your cell phone do not result in this standard ringing sound. Instead, people who call you will instead hear the equivalent of a custom ringtone, except over the phone. In this way, both the people around *and* the people calling you can get a sense of your unique personality and musical preferences.

Unfortunately, while [free cell phone ringtone resources](#) are relatively plentiful, the same cannot be said for free ringback ringtones. This is because the ringback is not actually stored on your own phone and you don't actually download anything. The ringback service is fully conducted from the end of your mobile operator, so they charge you for this service just as they would for voicemail, caller ID, text messages, and other services.

When it comes to Verizon Wireless, there is a 99-cent monthly service subscription to use their ringback service. This is in addition to the \$1.99 annual fee for each ringback ringtone that you use. For example, if you like to switch between three or four ringbacks over the course of a year, each of those would cost you \$1.99 each, plus the 99 cents you'd pay each month for the subscription.

Available at: [https://cellphones.lovetoknow.com/Free\\_Ringback\\_Ringtones](https://cellphones.lovetoknow.com/Free_Ringback_Ringtones); webpage attached hereto as Exhibit G.

19. **Induced Infringement.** Zedge has also actively induced, and continues to induce, the infringement of at least claim 7 of the '107 Patent by actively inducing its customers, including merchants and end-users to use Zedge's smartphone in an infringing manner as described above. Upon information and belief, Zedge has specifically intended that its customers

use its smartphone in a manner that infringes at least claim 7 of the '107 Patent by, at a minimum, providing access to support for, training and instructions for, its smartphone to its customers to enable them to infringe at least claim 7 of the '107 Patent, as described above. Even where performance of the steps required to infringe at least claim 7 of the '107 Patent is accomplished by Zedge and Zedge's customer jointly, Zedge's actions have solely caused all of the steps to be performed.

20. Tellagemini is entitled to recover damages adequate to compensate it for such infringement in an amount no less than a reasonable royalty under 35 U.S.C. § 284.

21. Tellagemini will continue to be injured, and thereby caused irreparable harm, unless and until this Court enters an injunction prohibiting further infringement.

#### **JURY DEMAND**

22. Under Rule 38(b) of the Federal Rules of Civil Procedure, Tellagemini respectfully requests a trial by jury on all issues so triable.

#### **PRAYER FOR RELIEF**

WHEREFORE, Tellagemini asks this Court to enter judgment against Zedge, granting the following relief:

- A. A declaration that Zedge has infringed the Patent-in-Suit;
- B. An award of damages to compensate Tellagemini for Zedge's direct infringement of the Patent-in-Suit;
- C. An order that Zedge and its officers, directors, agents, servants, employees, successors, assigns, and all persons in active concert or participation with them, be preliminarily and permanently enjoined from infringing the Patent-in-Suit under 35 U.S.C. § 283;



- D. An award of damages, including trebling of all damages, sufficient to remedy Zedge's willful infringement of the Patent-in-Suit under 35 U.S.C. § 284;
- E. An accounting for damages under 35 U.S.C. § 284 for infringement of the '107 Patent by Zedge, and the award of damages so ascertained to Tellagimini together with interest as provided by law;
- F. A declaration that this case is exceptional, and an award to Tellagimini of reasonable attorneys' fees, expenses and costs under 35 U.S.C. § 285;
- G. An award of prejudgment and post-judgment interest; and
- H. Such other relief as this Court or jury may deem proper and just.

Date: October 5, 2018

Respectfully submitted,

/s/ Timothy Devlin

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